

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Criminal Department, Central Division		
TITLE OF CASE: THE PEOPLE OF THE STATE OF CALIFORNIA V. MARCUS DELON WESSON		
TRIAL BY JURY IN THE GUILT PHASE OF A CAPITAL CASE– 66TH DAY		Case Number: F04901785-6
Judge/Temporary Judge: R. L. Putnam Court Clerk: W. Anderson/ B. Graves Reporter/Tape: K. Garcia, D. Dedmon Bailiff: H. Franco, J. Williamson, P. Bellefeuille		Date: May 17, 2005
		Department: 53 Time: 9:00 a.m.

Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA Defendant: Marcus Delon Wesson	<input type="checkbox"/> Appearing <input checked="" type="checkbox"/> Appearing	Counsel: Lisa Gamoian, Chief Deputy District Attorney Counsel: Peter Jones, Chief Deputy Defender Rafael Torres, Deputy Public Defender	<input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per <input checked="" type="checkbox"/> Appearing <input type="checkbox"/> Pro Per
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Pursuant to adjournment of May 16, 2005, Court reconvenes at 9:00 a.m. The People represented by Lisa Gamoian, Chief Deputy District Attorney, and the defendant, Marcus Delon Wesson, with counsel, Peter Jones, Chief Public Defender and Rafael Torres, Deputy Public Defender are present. All parties state that they are ready to proceed.

Court Reporter, Denise Dedmon is present at 9:00 a.m.

The jury is brought into the courtroom at 9:00 a.m.

Dave Evanoff is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 9:01 a.m.

Rafael Torres, Deputy Public Defender cross examines the witness at 9:03 a.m.

DEFENSE EXHIBIT , ' GGG', (DIAGRAM) IS MARKED FOR IDENTIFICATION.

Defense Exhibit, 'GGG', is shown to witness Dave Evanoff.

Witness is ordered excused at 9:05 a.m. and subject to recall.

Judy Hardin is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 9:06 a.m.

Rafael Torres, Deputy Public Defender cross examines the witness at 9:18 a.m.

At 9:20 a.m., the witness is ordered excused and subject to recall.

Doreen Sanchez, is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 9:21 a.m.

Rafael Torres, Deputy Public Defender cross examines the witness at 9:29 a.m.

At 9:35 a.m., the witness is ordered excused and subject to recall.

Connie Howard is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 9:36 a.m.

Rafael Torres, Deputy Public Defender, cross examines the witness at 9:45 a.m.
At 9:48 a.m., witness is ordered excused and subject to recall.

Barbara Alec, is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 9:50 a.m.

Rafael Torres, Deputy Public Defender, cross examines the witness at 9:54 a.m.

Lisa Gamoian, Chief Deputy District Attorney, begins re-direct examination of the witness at 9:59 a.m.

Rafael Torres, Deputy Public Defender, begins re-cross examination of the witness at 10:00 a.m.

Witness is ordered excused at 10:01 a.m. and subject to recall.

Kathryn Krohn is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 10:03 a.m.

Rafael Torres, Deputy Public Defender, cross examines the witness at 10:08 a.m.

Lisa Gamoian, Chief Deputy District Attorney, begins re-direct examination of witness at 10:09 a.m.

Witness is ordered excused at 10:10 a.m., and subject to recall.

Felix Konatich, is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 10:12 a.m.

Court admonishes the jury and recesses at 10:20 a.m.

Kristi Garcia, replaces Court Reporter Denise Dedmon at 10:40 a.m.

Court reconvenes at 10:41 a.m. with all parties present and the jury in their seats.

Felix Konatich having been previously sworn, resumes the witness stand on continued direct examination by Lisa Gamoian, Chief Deputy District Attorney at 10:41 a.m.

Rafael Torres, Deputy Public Defender, cross examines the witness at 10:44 a.m.

Lisa Gamoian, Chief Deputy District Attorney, begins re-direct examination of witness at 10:49 a.m.

Witness is ordered excused at 10:51 a.m. and subject to recall.

Charles Edwards is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 10:52 a.m.

Witness is ordered excused at 10:56 a.m. and subject to recall.

Malcolm Chase is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 10:58 a.m.

Rafael Torres, Deputy Public Defender, cross examines the witness at 11:13 a.m.

Lisa Gamoian, Chief Deputy District Attorney, begins re-direct examination of witness at 11:15 a.m.

Witness is ordered excused at 11:17 a.m. and subject to recall.

David Harris is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 11:18 a.m.

Rafael Torres, Deputy Public Defender, cross examines the witness at 11:23 a.m.

Witness is ordered excused at 11:24 a.m. and subject to recall.

Christopher Rainsford is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 11:25 a.m.

Rafael Torres, Deputy Public Defender, cross examines the witness at 11:33 a.m.

Witness is ordered excused at 11:35 a.m. and subject to recall.

Patricia Mole is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 11:37 a.m.

Court admonishes the jury and recesses at 12:00 p.m. until 1:25 p.m.

Denise Dedmon, replaces Court Reporter Kristi Garcia at 1:30 p.m.

Outside the presence of the public and the media, "In chambers" conference is held at 1:30 p.m., with Lisa Gamoian, Chief Deputy District Attorney, on behalf of the People. Rafael Torres, Deputy Public Defender and Peter Jones, Chief Deputy Public Defender are present on behalf of Marcus Delon Wesson who is present with the aid of an electronic listening device.

Lisa Gamoian, Chief Deputy District Attorney, advises the Court that Det. Leal is sick and unable to come into Court this afternoon.

Court and counsel further discuss :

- Scheduling of witnesses
- Final on stipulations
- Defendant's writings
- Ruby's translations
- Jury adjourning today and returning on Thursday morning
- Continued 402 hearing on Friday

Court reconvenes in the courtroom at 1:59 p.m. with all parties present and the jury in their seats.

Patricia Mole having been previously sworn, resumes the witness stand on continued direct examination by Lisa Gamoian, Chief Deputy District Attorney.

Rafael Torres, Deputy Public Defender, cross examines the witness at 2:11 p.m.

Lisa Gamoian, Chief Deputy District Attorney begins re-direct examination of the witness at 2:21 p.m.

Rafael Torres, Deputy Public Defender, begins re-cross examination of the witness at 2:24 p.m.

Witness is ordered excused at 2:26 p.m. and subject to recall.

Cynthia DeSoto is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 2:28 p.m.

Rafael Torres, Deputy Public Defender cross examines the witness at 2:31 p.m.

Lisa Gamoian, Chief Deputy District Attorney, begins re-direct examination of the witness at 2:31 p.m.

Rafael Torres, Deputy Public Defender, begins re-cross examination of the witness at 2:33 p.m.

Lisa Gamoian, Chief Deputy District Attorney, begins re-re-direct examination of the witness at 2:35 p.m.

Rafael Torres, Deputy Public Defender, begins re-re-cross examination of the witness at 2:36 p.m.

Witness is ordered excused at 2:37 p.m. and subject to recall.

Detective Michelle Ochoa having been previously sworn, is recalled to the witness stand on continued examination by Lisa Gamoian, Chief Deputy District Attorney at 2:38 p.m.

Rafael Torres, Deputy Public Defender, cross examines the witness at 2:41 p.m.

Witness is ordered excused at 2:42 p.m. and subject to recall.

Detective Byrd, having been previously sworn, is recalled to the witness stand on continued examination by Lisa Gamoian, Chief Deputy District Attorney at 2:43 p.m.

Rafael Torres, Deputy Public Defender, cross examines the witness at 2:46 p.m.

Witness is ordered excused at 2:47 p.m. and subject to recall.

Epifanio Cardenas is sworn and testifies on behalf of the people on direct examination by Lisa Gamoian, Chief Deputy District Attorney at 2:49 p.m.

The following are marked for identification off the record.

PEOPLE'S EXHIBIT #807A, (MANUSCRIPT #1) MARKED FOR IDENTIFICATION.
PEOPLE'S EXHIBIT #808A, (MANUSCRIPT #2) MARKED FOR IDENTIFICATION.
PEOPLE'S EXHIBIT #809A, (MANUSCRIPT #3) MARKED FOR IDENTIFICATION.
PEOPLE'S EXHIBIT #810A, (MANUSCRIPT - "VMPYR IT'S BEGINNING") MARKED FOR IDENTIFICATION.
PEOPLE'S EXHIBIT #810B, (MANUSCRIPT - BOOK #2) MARKED FOR IDENTIFICATION.
PEOPLE'S EXHIBIT #810C, (MANUSCRIPT - BOOK #3) MARKED FOR IDENTIFICATION.
PEOPLE'S EXHIBIT #810D, (2 RECEIPTS- "POST OFFICE", "CALIFORNIA BUSINESS MACHINES") IS MARKED FOR IDENTIFICATION.
PEOPLE'S EXHIBIT #810E, (CD - "IN THE NIGHT OF THE LIGHT FOR THE DARK") IS MARKED FOR IDENTIFICATION.
PEOPLE'S EXHIBIT #810F, (CD - "CASINO SUPPLY CO.") IS MARKED FOR IDENTIFICATION.
PEOPLE'S EXHIBIT #810G, (DISK - BOOK #1) IS MARKED FOR IDENTIFICATION.
PEOPLE'S EXHIBIT #810H, (DISK - BOOK #2) IS MARKED FOR IDENTIFICATION.
PEOPLE'S EXHIBIT #810I, (DISK - BOOK #3) IS MARKED FOR IDENTIFICATION.

The following list of exhibit's are shown to the witness:
#133,130,134,135,625,624,623,627,628,629,630,632,594,595,810.

Court admonishes the jury and recesses at 3:00 p.m.

Kristi Garcia, replaces Court Reporter Denise Dedmon at 3:15 p.m.

Court reconvenes at 3:17 p.m. with all parties present and the jury in their seats.

Epifanio Cardenas having been previously sworn, resumes the witness stand on continued direct examination by Lisa Gamoian, Chief Deputy District Attorney at 3:17 p.m.

The following list of exhibit's are shown to the witness:

#807,808,809,587,588,589,590,591,456,457,458,459,460,461,462,463,465,466,467,464.

DEFENSE EXHIBIT , 'HHH', (7 PAGES OF PHOTOS) IS MARKED FOR IDENTIFICATION.

Court admonishes the jury and recesses at 3:33 p.m. Outside the presence of the jury, the following exhibits having been previously marked for identification, are now received into evidence:

#130,133,134,135,62,624,623,627,628,629,630,632,594,595,807,808,809,587,588,589,590,591,456,457,458,459,460,461,462,463,465,466,467,464.(EXH. #S 807A, 808A & 809A) - RECEIVED AS THE ACTUAL MANUSCRIPT.

At 3:46 p.m., the jury returns to the courtroom and the trial resumes.

Epifanio Cardenas, having been previously sworn, resumes the witness stand.

At this time, the exhibit's received into evidence are now being published to the jury.

PEOPLE EXHIBIT #811, (DIAGRAM - DRAWING OF KNIFE AND SHEATH) IS MARKED FOR IDENTIFICATION.

Rafael Torres, Deputy Public Defender, cross examines the witness at 4:03 p.m.

Lisa Gamoian, Chief Deputy District Attorney, begins re-direct examination of the witness at 4:22 p.m.

Rafael Torres, Deputy Public Defender, begins re-cross examination of the witness at 4:26 p.m.

Witness is excused at 4:28 p.m. and ordered subject to recall.

Court reviews with the jurors the scheduling for the remainder of the week.

Court admonishes the jury and adjourns court at 4:30 p.m. until 9:00 a.m. on 5/19/05 for the jury. Outside the presence of the jury, Court and counsel discuss the manner on how the evidence will be reviewed by the jury.

Court stands in adjournment at 4:35 p.m. until 5/18/05 at 10:30 a.m.

Defendant remains remanded to the custody of the Sheriff pending the next hearing date.

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